



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

March 23, 2021

By ECF

The Honorable Alison J. Nathan
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Natural Resources Defense Council et al. v. Granholm et al.*, 20 Civ. 9127 (AJN)

Dear Judge Nathan:

This Office represents the U.S. Department of Energy and Jennifer Granholm,¹ in her official capacity as the Secretary of the U.S. Department of Energy (“DOE” or “the Government”). The complaint filed by Plaintiffs Natural Resources Defense Council, Center for Biological Diversity, Consumer Federation of America, Massachusetts Union of Public Housing Tenants, Public Citizen, and Sierra Club (“Plaintiffs,” and collectively with the Government, the “Parties”) alleges that DOE missed deadlines under the Energy Policy and Conservation Act for reviewing and revising energy conservation standards for consumer and commercial products.

The Parties intend to begin settlement negotiations to explore a consensual resolution of this matter. While engaging in settlement discussions, the Parties jointly request a stay of this litigation to avoid unnecessary motion practice. The Parties respectfully propose a stay with the following terms:

- The case shall be held in abeyance for a preliminary period of 90 days. During that time, all litigation deadlines will be stayed except for any deadlines related to the pending intervention motion filed by the Association of Home Appliance Manufacturers (“AHAM”) and the Air-Conditioning, Heating & Refrigeration Institute (“AHRI”). The Parties note that a Stipulation and Proposed Order was filed with the Court on March 22, 2021, that would resolve the pending motion.
- By the 90th day of the abeyance, the Parties will file a joint status report that will include, among other updates, the Parties’ position(s) on whether the stay should continue.
- After 90 days have elapsed, and as long as this case remains in abeyance, the Parties will file joint status reports every 45 days. Those reports will include, among other updates, the Parties’ position(s) on whether the stay should continue.

¹ Secretary Granholm is automatically substituted as a party under Federal Rule of Civil Procedure 25(d).

The Government is simultaneously filing with the Court a request to stay the litigation in *State of New York et al. v. Granholm et al.*, No. 20 Civ. 9362 (AJN), jointly with the plaintiffs in that case.

Thank you for your consideration of this matter.

Respectfully,

AUDREY STRAUSS
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Southern District of New York

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